

76-3275

DCI/IC 76-0832

24 August 1976

MEMORANDUM FOR: Director of Central Intelligence

FROM :

[redacted]
Deputy to the DCI for the
Intelligence Community

25X1

SUBJECT : Electronic Surveillance Legislation

1. As reported to you yesterday, the Senate Select Committee on Intelligence (SSCI) met today to complete its mark-up on the bill S-3197. A clean version of the bill is expected later today.

25X1 2. [redacted] has determined that there is considerable concern about certain changes and amendments to the bill among Defense, State, FBI, NSA and the NSC Staff. Mr. 25X1 [redacted] will send you a memo later today or tomorrow stating his concerns. The State General Counsel will detail his concerns tomorrow. The NSC Staff action officer is preparing an analytical summary of the bill, to be provided to Bill 25X1 [redacted] by Thursday. Although the action officer considers the bill unacceptable in its present form, he has not discussed his points of concern with either [redacted] (on leave through this week) or [redacted] (who is tied up with post-convention activities). 25X1 25X1

3. Information from the NSC Staff is to the effect that Senator Kennedy will allow the bill to go to the Senate floor in the form reported out by the SSCI and that he will let Senator Tunney manage the bill before the Senate. This suggests that some additional amendments would be offered during the floor action inasmuch as Senator Tunney is known to champion some of the ACLU-type concerns for a "stronger" bill. The NSC Staff also anticipates additional undesirable changes will be made during consideration of the bill by the House Judiciary Committee. In summary, the White House Staff expects the bill to be unacceptable and certain to be vetoed if it in fact is passed by the present Congress.

4. Doug Marvin, Special Assistant to the Attorney General, advises as of noon today that the SSCI completed action on the bill this morning with only "minor technical" changes. His information is that it could go to the Senate floor as early as Thursday but more likely on Monday. He says Senator Kennedy will manage it on the floor and he does not anticipate any further amendments on the floor. While he repeats the Justice contention that the bill in its present form is the best that can be achieved, he acknowledges that some minor fixes could be arranged as part of the floor action. To this end, he believes an informal ICG meeting as soon as possible would be useful to identify all lingering concerns. He notes, however, that both Mr. Levi and Mr. Scalia are out of the city until next Monday.

5. Accordingly, I have recommended to [redacted] that he call a meeting of ICG representatives as a matter of urgency to surface these concerns for possible action incident to final Senate consideration.

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[redacted]

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cc: OGC
OLC

*but Bice prefers that you
call [redacted] on
him. I don't see W.H. today*

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[redacted]

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